

**IN THE DRAWINGS**

Please substitute the enclosed Figure 7 for the previously-filed Figure 7.

The attached sheet of drawings includes changes to Fig. 7. This sheet, which includes only Fig. 7, replaces the original sheet including only Fig. 7. In Figure 7, the label "PRIOR ART" has been added.

## **REMARKS**

Upon entry of the present amendment, Claims 1-11 are pending in the application, of which claims 1, 2, 8, and 11 are independent. Claims 4, 7, 8, 10 and 11 are amended herein.

The applicant gratefully acknowledges the Examiner's indication that claim 11, although objected to for being dependent upon a rejected base claim, includes allowable subject matter.

The Examiner in charge of the subject application was contacted by telephone on November 22, 2005. The applicant's representative thanks the Examiner for her helpful remarks during the brief conversation, in which the cited reference Matsuura et al. was discussed with respect to claim 1. In particular, it was agreed that Matsuura et al. discloses a single air cleaner 144, the air cleaner having a housing identified by the reference number 145.

The above-identified Office Action has been reviewed, the references carefully considered, and the Examiner's comments carefully weighed. In view thereof, the present Amendment is submitted. The applicant respectfully submits that all amendments presented herein are fully supported by the original application. The applicant also respectfully submits that amendments presented herein do not introduce any new matter into the application, as all of the subject matter thereof was expressly or inherently disclosed in the original specification. It is contended that by the present amendment, all bases of rejection set forth in the Office Action have been traversed and overcome. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

### **Claim Rejections -- 35 USC 102**

Claims 1-4 and 6-7 have been rejected under 35 USC 102 (b) as anticipated by Matsuura et al (US 6,920,949). Regarding claim 1, the Examiner states that Matsuura discloses a fuel tank 52

and a seat 50 mounted above a body frame, an internal combustion engine 46 mounted on a lower portion of the frame, a carburetor 142 attached to the engine, a main air cleaner 145 attached to the carburetor, the carburetor being provided with an air passage 140 for exerting an atmospheric pressure on a level of a fuel in a float chamber of the carburetor, a supplemental air cleaner 144 provided additionally on an end portion of the air passage, and is disposed above the engine and above the anterior of the carburetor of the main air cleaner.

The applicant respectfully disagrees with this invention since Matsuura does not disclose each and every claimed feature, as is the standard for a rejection under 35 USC 102. Upon review of Matsuura, the applicant notes that Matsuura discloses a small vehicle which includes an engine 120 mounted on the vehicle frame, a carburetor 142 connected to the engine intake port via an intake pipe 140, an air cleaner 144 connected to the carburetor 142 via a duct 146, the air cleaner disposed rearward of the cylinder head 126 and beneath the seat (col. 5, lines 42-44). Matsuura further discloses the air cleaner 144 as comprising a rectangular air cleaner box 145 which includes a filter element therein. Matsuura discloses a fuel tank disposed above the engine, and a seat disposed rearward of the engine.

As regards claim 1, the applicant disagrees that Matsuura discloses both a main air cleaner and a supplemental air cleaner, and submits that Matsuura instead shows only a single air cleaner 144. Specifically, Matsuura discloses an air cleaner unit 144 which includes a housing 145 surrounding a filter element. In the rejection, it appears that the Examiner cites element 145 as the main air cleaner, and element 144 as the supplemental air cleaner. However, air cleaner housing 145 is a structural portion of the air cleaner unit 144, and is not a separate air cleaning body from air cleaner unit 144. That is, reference numbers 144 and 145 identify the same, single air cleaner disclosed by Matsuura.

In addition, the air cleaner 144 (including the housing 145 thereof) of Matsuura is not disposed above, and anterior to, the carburetor 142, as claimed by the applicant. Instead, as shown in Fig. 13, the carburetor 142 is clearly substantially horizontally aligned with the air cleaner 144. Moreover the air cleaner 144 is posterior to, rather than anterior to, the carburetor 142.

Finally, Matsuura does not disclose an air vent passage for exerting atmospheric pressure on the level of fuel in a float chamber of the carburetor. Although Matsuura does disclose an intake pipe 140 attached to one side of the carburetor, and an air intake duct 146 attached to an opposed side of the carburetor, Matsuura does not disclose a float chamber within the carburetor, or that the elements 140, 146 permit exertion of atmospheric pressure on the level of fuel in a float chamber, as claimed.

In the rejection of claim 2, the Examiner states that Matsuura discloses a frame body 40, a fuel tank 52 mounted to the frame, a seat 50 mounted to the frame, an engine comprising a carburetor 142, a main air cleaner 145 connected to the carburetor, an air vent passage for exerting atmospheric pressure on the level of fuel in a float chamber of the carburetor (col. 6, lines 32-40), a supplemental air cleaner 144 disposed above the engine, and above the anterior to said carburetor and main air cleaner.

As regards claim 2, the applicant disagrees that Matsuura discloses both a main air cleaner and a supplemental air cleaner, and submits that Matsuura instead shows only a single air cleaner 144. The applicant finds that Matsuura discloses an air cleaner unit 144, which includes a housing 145 surrounding a filter element. In the rejection of claim 2, it appears that the Examiner again cites element 145 as the main air cleaner, and element 144 as the supplemental air cleaner. However, air cleaner housing 145 is a structural portion of the air cleaner unit 144. That is,

reference numbers 144 and 145 identify the same, single air cleaner disclosed by Matsuura.

In addition, the air cleaner 144 (including the housing 145 thereof) of Matsuura is not disposed above, and anterior to, the carburetor 142, as claimed by the applicant. Instead, as shown in Fig. 13, the carburetor 142 is clearly substantially horizontally aligned with the air cleaner 144 (including the housing 145 thereof). Moreover the air cleaner 144 is posterior to, rather than anterior to, the carburetor 142.

Moreover, Matsuura does not disclose an air vent passage for exerting atmospheric pressure on the level of fuel in a float chamber of the carburetor. Although Matsuura does disclose an intake pipe 140 attached to one side of the carburetor, and an air intake duct 146 attached to an opposed side of the carburetor, Matsuura does not disclose a float chamber within the carburetor, or that the elements 140, 146 permit exertion of atmospheric pressure on the level of fuel in a float chamber, as claimed. In the rejection, the Examiner is not specific as to which of the elements 140 or 146 is considered to correspond to the claimed air vent passage. Moreover, the applicant is unclear how the fuel cap 168 for opening and closing a fuel filler port, cited by the Examiner at col. 6, lines 32-40 as supporting the rejection, are related to the air cleaner-carburetor structure claimed by the applicant, and respectfully requests clarification thereof.

In the rejection of claims 3 and 4, the Examiner states that Matsuura discloses a supplemental air cleaner 144 disposed behind the fuel tank 52 and below the seat 50 (Fig. 13). Although the applicant agrees that the air cleaner 144 (including housing 145) is disposed behind the fuel tank and below the seat, the applicant respectfully disagrees with this rejection since Matsuura does not disclose a supplemental air cleaner in addition to the main air cleaner 144, 145.

In the rejection of claims 6 and 7, the Examiner states that Matsuura discloses a supplemental air cleaner having an air intake 140 provided facing downwardly in a lower rear portion, and biased in relation toward the rear part of the body.

The applicant respectfully disagrees with this rejection. According to the rejection of claim 1, the supplemental air cleaner claimed in claim 6 corresponds to the air cleaner 144. However, in the rejection of claim 6, the Examiner states that air cleaner 144 has an air intake 140 facing downwardly in a lower rear portion. The applicant submits that intake pipe 140 is not directly connected to the air cleaner 144, and thus the air cleaner 144 does not “have” the intake pipe as usually understood by the term “have”. Further, the air cleaner 144 does not have the intake pipe 140 provided in lower rear portion of the air cleaner 144, as claimed. Rather, the intake pipe 140 is provided at a front end of the carburetor 142, and the carburetor 142 is provided at an upper front portion of the air cleaner 144.

As regards claim 7, which recites that the supplemental air cleaner comprises intake tube which faces downwardly, and is in biased relation toward the rear. In the rejection, the Examiner refers to intake pipe 140 of Matsuura as corresponding to this feature. However, the applicant notes that intake pipe 140 faces substantially horizontally, and is not biased toward the rear.

For the reasons stated above, the applicant respectfully requests reconsideration and withdrawal of the rejections of claims 1-4 and 6-7 as anticipated by Matsuura.

Claims 8, 9, and 10 have been rejected under 35 USC 102 (b) as anticipated by Kuji et al (US 6,776,250). In the rejection of claim 10, the Examiner states that Kuji teaches an air cleaner comprising a funnel shaped intake port 29 having a wide top portion and a narrow bottom portion comprising an inlet tube 28 located below the side edge of the top portion.

In the rejection of claim 8, the Examiner states that Kuji discloses a dome shaped case with an outlet pipe 28 integrally formed, a porous filter 27 that fits inside of the case, and a funnel shaped intake port 29 which attaches to a lower portion of the case.

In the rejection of claim 9, the Examiner states that Kuji discloses a cylindrical filter storing portion for storing the filter 27, and a connecting portion 22 formed with an annular groove.

The applicant respectfully disagrees with the rejection of claims 8-11 since Kuji does not disclose every feature claimed by the applicant. In particular, Kuji does not disclose a supplemental air cleaner apparatus, as claimed by the applicant. Rather, Kuji discloses a single, main air cleaner apparatus which provides all air cleaning functions for the vehicle, and lacks a disclosure of a supplemental air cleaner.

However, in order to promote prosecution of the application, the applicant has amended independent claim 8 to more clearly recite that the supplemental air cleaner is provided in addition to a main air cleaner such that the vehicle comprises two independent and separate air cleaner units. Thus claim 8, and claims 9-10 which depend from claim 8, clearly avoid rejection as anticipated by Kuji, and reconsideration and withdrawal of the rejections is respectfully requested.

#### **Claim Rejections – 35 USC 103**

Further in the above-identified Office Action, Claim 5 is rejected under 35 USC 103(a) as unpatentable over Matsuura et al (US 6,920,949) in view of Kuji et al (US 6,776,250). In the rejection, the Examiner states that Matsuura does not teach a cleaner comprising a funnel shape intake port, but that Kuji teaches an air cleaner comprising a funnel shaped intake port 29 having a wide top portion and a narrow bottom portion comprising an inlet tube 28 located below the side edge of the top portion (Fig. 4). The Examiner considers it to be obvious to modify the

supplemental air cleaner of Matsuura to include a funnel shaped intake port shaped as claimed and comprising an inlet tube so as to provide cleaner air flowing through the funnel shaped intake port.

The applicant respectfully disagrees with this rejection for the reasons stated above with respect to claim 2, from which claim 5 depends. Those reasons are repeated herein, and are summarized in that Matsuura does not disclose a supplemental air cleaner in addition to that of the main air cleaner. The applicant submits that the deficiencies of Matsuura are not cured by the modification proposed by the Examiner in the rejection of claim 5.

The applicant further disagrees with the rejection of claim 5 since neither Matsuura, nor Matsuura as modified by Kuji disclose a supplemental air cleaner having an inlet tube located substantially below a side edge thereof. The applicant submits that the inlet tubes 28 of Kuji are substantially removed toward the center of the air cleaner so as to be spaced apart from the side edges of the air cleaner, and thus cannot be interpreted to be below a side edge thereof, as claimed.

For the reasons stated above, the applicant respectfully requests reconsideration and withdrawal of the rejection of claim 5 as unpatentable over Matsuura in view of Kuji.

#### **Other Matters**

The applicant gratefully acknowledges the Examiner's indication that claim 11, although objected to for being dependent upon a rejected base claim, includes allowable subject matter. Claim 11 is rewritten herein in independent form to include all the limitations of the base claim and any intervening claims. Thus claim 11 is now in condition for allowance.

Claims 4, 7 and 10 are amended herein to correct informalities. In particular, claim 4, which is substantially the same as claim 3, is amended to change its dependency from claim 1 to



claim 2. Claim 7 is amended to replace the term “body” with –body frame—so that this term has positive antecedent basis in claim 1. Claim 10 is amended to correct a mis-spelling of the word “apparatus”.

All claim amendments are fully supported by the original specification, and no new matter has been added to the application by the present amendment, since all of the claim limitations were expressly or inherently disclosed by the original specification, including the drawings.

### **Conclusion**

Based on all of the foregoing, applicant respectfully submits that all of the objections and rejections set forth in the Office Action are overcome, and that as presently amended, all of the pending claims are believed to be allowable over all of the references of record, whether considered singly or in combination.

Applicant requests reconsideration and withdrawal of the rejection of record, and allowance of the pending claims.

The Commissioner is hereby authorized to charge \$200.00 for one independent claim in excess of three, as well as to charge any deficiency which may be required during the entire pendency of the application, and to credit any excess paid during the entire pendency of the application, to Deposit Account 50-0744 in the name of Carrier, Blackman & Associates, P.C. [A]

duplicate copy of this sheet is enclosed.

claim 2. Claim 7 is amended to replace the term "body" with —body frame—so that this term has positive antecedent basis in claim 1. Claim 10 is amended to correct a mis-spelling of the word "apparatus".

All claim amendments are fully supported by the original specification, and no new matter has been added to the application by the present amendment, since all of the claim limitations were expressly or inherently disclosed by the original specification, including the drawings.

### Conclusion

Based on all of the foregoing, applicant respectfully submits that all of the objections and rejections set forth in the Office Action are overcome, and that as presently amended, all of the pending claims are believed to be allowable over all of the references of record, whether considered singly or in combination.

Applicant requests reconsideration and withdrawal of the rejection of record, and allowance of the pending claims.

The Commissioner is hereby authorized to charge \$200.00 for one independent claim in excess of three, as well as to charge any deficiency which may be required during the entire pendency of the application, and to credit any excess paid during the entire pendency of the application, to Deposit Account 50-0744 in the name of Carrier, Blackman & Associates, P.C. A duplicate copy of this sheet is enclosed.

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If the Examiner is not fully convinced of the allowability of all of the claims now in the application, applicant respectfully requests that the Examiner telephonically contact the applicant's undersigned representative to expeditiously resolve prosecution of the application.

Favorable consideration is respectfully requested.

Respectfully submitted,



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December 9, 2005

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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail, with appropriate postage thereon, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on December 9, 2005.



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FIG. 7

